

**LOUDOUN COUNTY BOARD OF SUPERVISORS
RESOLUTION**

**IN RE: ADOPTION OF AR (AGRICULTURAL RURAL) ZONING MAP AND
ZONING DISTRICT REGULATIONS; AMENDMENTS TO THE LOUDOUN
COUNTY ZONING ORDINANCE; REENACTMENT AND READOPTION OF
THE FLOODPLAIN OVERLAY DISTRICT REGULATIONS AND
MOUNTAINSIDE DEVELOPMENT OVERLAY DISTRICT REGULATIONS;
AMENDMENTS TO THE LAND SUBDIVISION AND DEVELOPMENT
ORDINANCE AND FACILITIES STANDARDS MANUAL**

WHEREAS, on May 20, 2005, the Circuit Court of Loudoun County struck the AR-1 and AR-2 zoning districts as included on the comprehensive zoning map of Loudoun County for the Rural Policy Area, after the Supreme Court of Virginia found the published notice deficient for these zoning districts; and

WHEREAS, the Board of Supervisors subsequently reviewed and studied the comprehensive plan and zoning regulations for the Rural Policy Area affected by the court's action; and

WHEREAS, among other information, the Board reviewed the studies and data compiled as part of the adoption of the *Revised General Plan* in 2001, which plan supported reduced density in the Rural Policy Area for a number of reasons, including the limited transportation system and the goal of promoting agriculture and other rural economy uses; and

WHEREAS, the Board of Supervisors reaffirmed the two sub-areas of the Rural Policy Area as set out in the *Revised General Plan*; and

WHEREAS, on November 17, 2005, the Board of Supervisors initiated a revision to the Loudoun County zoning ordinance and map to implement the comprehensive plan for the County by revising the AR-1 and AR-2 district regulations and reinstating those districts as part of the comprehensive zoning map; and

WHEREAS, the Board's action included the initiation of related amendments to the Land Subdivision and Development Ordinance (LSDO) and Facilities Standards Manual (FSM); and

WHEREAS, the Planning Commission and Board of Supervisors conducted public hearings on the amendments and received extensive public comment; and

WHEREAS, on March 20, 2006, the Planning Commission recommended the proposed amendments for adoption; and

WHEREAS, the Board of Supervisors conducted hearings on the proposed amendments on June 7 and 10, 2006, and November 29, 2006; and

WHEREAS, the Board of Supervisors wishes to restore the rural districts as part of the comprehensive zoning map for the County along with changes to the zoning ordinance text and related LSDO and FSM amendments; now, therefore,

BE IT RESOLVED, as follows:

Section 1. Adoption of Zoning Map. The zoning map of the County of Loudoun is hereby amended and adopted to include the AR-1 and AR-2 zoning districts. The new, amended map is identified as Map No. 2006-052, dated July 17, 2006, along with the reenacted Floodplain Overlay District and Mountainside Development Overlay District Maps. The map amendments are also referenced as ZMAP 2005-0042 and ZMAP 2006-0002. A copy of the new zoning map has been filed with the Clerk of the Board and is to be maintained among the records of the County of Loudoun along with this resolution. The Office of Mapping & Geographic Information is authorized and directed to generate a revised map as necessary to reflect any other rezonings and any town boundary changes as of the date of adoption. The map shall include any changes or corrections approved by the Board as amendments to this Resolution, offered at the time of adoption and reflected in the minutes.

Section 2. Adoption of Zoning Ordinance. Amendments to the text of the Loudoun County Zoning Ordinance are hereby adopted. The amendments (a) are referenced as ZOAM 2005-0002, (b) are included in the draft dated July 18, 2006, along with the changes and corrections as directed by the Board of Supervisors on September 6, 2006 and listed in the Addendum included with staff report for the November 29, 2006, public hearing; (c) include the reenacted Floodplain Overlay District regulations (Section 4-1500) and Mountainside Development Overlay District regulations (Section 4-1600); and (d) incorporate any changes or corrections adopted at the December 5, 2006 meeting. Except as provided by the revisions, deletions and additions in these amendments, the remaining provisions of the Loudoun County Zoning Ordinance, as amended prior to this action, are retained. A copy of the amendments is to be maintained by the Clerk among the records of the County of Loudoun along with this resolution.

Section 3. Adoption of Amendments to the LSDO and FSM. Amendments to the LSDO and FSM are hereby adopted. The amendments are referenced as DOAM 2005-0003 and are included in the draft dated July 20, 2006.

Section 4. Authorization of Zoning Administrator to Make Clerical Corrections. The Zoning Administrator is hereby authorized and directed to make clerical changes to the Loudoun County Zoning Ordinance and Map, if necessary, for (a) correction of typographical or scrivener's errors and (b) appropriate section numbers and headings associated with codification of the amendments.

Section 5. Findings. The adoption of the amended zoning map and text is in furtherance of the public necessity, convenience and general welfare, is consistent with good zoning practice, is in substantial conformance with the County's comprehensive plan, and is enacted after substantial community discussion and debate. The Board has given due consideration to the matters and

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purposes set out in the Code of Virginia for such action. Without limiting the foregoing, the Board finds that the map and text are in substantial conformance with the comprehensive plan for the County.

Section 6. Transitional Rules.

a. If the Department of Building and Development has notified a landowner or his designated representative in writing, prior to the effective date of these amendments, that a pending subdivision, site plan, or boundary line adjustment application is approved as to form subject to the circulation of plats, plans, deeds or any other legal documents for signature, then the Director of Building and Development shall approve and execute those plats and plans approved as to form and complying with the prior zoning regulations, provided that fully executed copies of approval documents are submitted within 30 days after the effective date of this ordinance.

b. If the Department of Building and Development has notified a landowner or his designated representative in writing, prior to the effective date of these amendments, that a pending record plat or preliminary/record plat is approved as to form subject to the submission and approval of a performance agreement and bond, then the Director of Building and Development shall release that approved plat after the bond and agreement have been executed and accepted by the County.

c. Without limitation, the Board of Supervisors or its designated agents must observe and apply the statutes providing for the recognition of vested rights (Va. Code § 15.2-2307), the period of validity of preliminary subdivisions (Va. Code § 15.2-2260(F)), the period of validity for record plats and final site plans (Va. Code § 15.2-2261), and the grandfathered status of proffered rezonings (Va. Code § 15.2-2303).

d. Other transitional rules are included in Article I of the Loudoun County Zoning Ordinance, including provisions for non-conforming uses.

Section 7. Effective Date. The new Loudoun County Zoning Ordinance and Loudoun County Zoning Map as adopted in Sections 1 and 2 are effective as of 12:00 AM, Wednesday, December 6, 2006.

Section 8. Severability. Any provision of these ordinance amendments shall be separable and severable in accordance with Section 1-103(J) of the Loudoun County Zoning Ordinance.

Voting In Favor:

Voting Against:

Abstaining:

Date:

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